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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/633,087	08/01/2003	James T. Kirchen	13888	.3205

7590

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EXAMINER

BOSWELL, CHRISTOPHER J

ART UNIT

PAPER NUMBER

3676

DATE MAILED: 04/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/633,087

Applicant(s)

KIRCHEN, JAMES T.

Examiner

Christopher Boswell

Art Unit

3676

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 January 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 May 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Patent Number 6,294,393 to Kraus.

Kraus discloses a substantially watertight grommet (12, 15, and 20) for use in securing a pin (1) to a first object (2), the grommet comprising a head (15) having an undersurface from which extends an elongate body (12), the body extending from the head in generally perpendicular relationship thereto (figures 2-5), the head and the body defining therethrough a bore () that is constructed and arranged to receive the pin, a retention structure (column 4, line 16) coupled to the body, the retention structure being constructed and arranged with respect to the head of the grommet such that when the grommet is received within a bore (7) formed in the first object, the head and the retention structure will engage opposing surfaces of the first object so as to securely retain the grommet within the bore formed therethrough (figure 4), a sealing mechanism (20) coupled to the head of the grommet that is constructed and arranged with a first portion (27 and 28) thereof forming a substantially water-tight seal between an undersurface of the head and a surface of the first object and a second portion (42 and 45) thereof forming a substantially water-tight seal between the pin and the bore defined by the head and

body of the grommet, and a catchment mechanism (36) comprising a first portion (40) formed into a shaft (4) of the pin and a second portion (38) formed into the body of the grommet, the first and second portions of the catchment mechanism being constructed and arranged to secure the pin within the grommet (figure 4), as in claim 1. However, Kraus does not disclose the head and the body being a single molded piece. It is considered a design consideration within the skill of the art to utilize one-piece construction, in place of separate elements fastened together. It would have been obvious to one having ordinary skill in the art at the time the invention was made to mold the head and the body into a single piece in order to minimize manufacturing and assembly costs.

One-piece construction, in place of separate elements fastened together, is a design consideration within the skill of the art. In re Kohn, 391 F.2d 959, 157 USPQ 275 (CCPA 1968); In re Larson, 340 F.2d 965, 144 USPQ 347 (CCPA 1965).

Kraus also discloses a lower portion of the sealing mechanism extends below an undersurface of the head of the grommet (figure 4), as in claim 2, and forms circumferential seal (figure 4), as in claim 3, as well as an upper portion of the sealing mechanism extending partially into the bore defined by the head and body of the grommet so as to form an interference fit between the sealing mechanism and the pin (figure 4), as in claims 4 and 5, and the first portion of the catchment mechanism comprises at least one ridge (38) formed circumjacent to the pin, as in claim 6, and where the catchment mechanism is constructed and arranged to secure the pin within the grommet in a plurality of positions (40 and 40'), as in claim 7.

Kraus further discloses the catchment mechanism having a detent (40 and 40') formed upon an exterior surface of the pin such that when the pin is fully inserted into the bore defined by the body and head of the grommet, that portion of the pin having the detent formed thereon will protrude beyond a distal end of the body of the grommet, the detent acting to prevent withdrawal of the pin from the grommet (figure 4), as in claim 8, wherein the sealing mechanism is a single molded piece (figure 1), as in claim 1, and where the head of the grommet has a part formed therethrough configured for receiving the sealing mechanism overmolded integrally with the head of the grommet (figure 4), as in claim 10, as well as the head of the grommet having a bore from an upper surface to an undersurface and the sealing mechanism first and second portions are joined through the bore (figure 4), as in claim 11.

Response to Arguments

Applicant's arguments with respect to claims 1-11 have been considered but are moot in view of the new ground(s) of rejection and a new interpretation of a previously applied reference.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following patents are cited to further show the state of the art with respect to watertight grommets:

U.S. Patent Number 6,594,870 to Lambrecht et al., U.S. Patent Number 5,857,244 to Edwards et al., U.S. Patent Number 5,846,039 to Kirchen et al., U.S. Patent Number 5,211,519 to Saito.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher Boswell whose telephone number is (571) 272-7087. The examiner can normally be reached on 8:30 - 5:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (571) 272-7087. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



CJB *CB*
March 30, 2005

DANIEL P. STODOLA
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600